

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.: 2007-1729-MWD-E TCEQ ID: RN101919991 CASE NO.: 34847**  
**RESPONDENT NAME: City of Streetman**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input checked="" type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of Streetman Wastewater Treatment Plant, located west of Farm-to-Market Road 80 and east of Fort Worth &amp; Denver Railway on the north bank of Sloan Creek, Streetman, Freestone County</p> <p><b>TYPE OF OPERATION:</b> Domestic wastewater system</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on April 28, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3048; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> The Honorable Judith E. Wardle, Mayor, City of Streetman, P.O. Box 7, Streetman, Texas 75859  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> August 29, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> October 5, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review.</p> <p><b>WATER</b></p> <p>1) Failed to comply with permitted effluent limits for Total Suspended Solids and 5-Day Biochemical Oxygen Demand [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10471001, Effluent Limitations and Monitoring Requirements No. 1].</p> <p>2) Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2006 by September 1, 2006 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 10471001, Sludge Provisions].</p>	<p><b>Total Assessed:</b> \$4,805</p> <p><b>Total Deferred:</b> \$961  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$164 (remaining \$3,680 due in 23 monthly payments of \$160 each)</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. During June 2007, achieved compliance with permitted effluent limits by modifying the wasting schedule, increasing the monitoring and maintenance efforts, adjusting the aeration system and chemical treatments, repaired the pop off valves; and</p> <p>b. On October 25, 2007, submitted the annual sludge report for the monitoring period ending July 31, 2006.</p>

Additional ID No(s): TPDES No. 10471001



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

TCEQ

DATES	Assigned	15-Oct-2007	Screening	19-Oct-2007	EPA Due	
	PCW	22-Oct-2007				

## RESPONDENT/FACILITY INFORMATION

Respondent	City of Streetman		
Reg. Ent. Ref. No.	RN101919991		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	34847	No. of Violations	2
Docket No.	2007-1729-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Heather Brister
Multi-Media		EC's Team	EnforcementTeam 1
Admin. Penalty \$	Limit Minimum	\$0	Maximum
		\$10,000	

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$3,100

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **65% Enhancement** **Subtotals 2, 3, & 7** \$2,015

Notes: The Respondent self-reported 13 months of effluent quality violations.

**Culpability** **0% Enhancement** **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** **10% Reduction** **Subtotal 5** \$310

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes: The Respondent achieved compliance with the permitted effluent limits during June 2007, and submitted the annual sludge report on October 25, 2007.

**0% Enhancement\*** **Subtotal 6** \$0

Total EB Amounts \$78  
Approx. Cost of Compliance \$2,200  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$4,805

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0%** **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$4,805

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$4,805

**DEFERRAL** **20%** **Reduction** **Adjustment** -\$961

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$3,844**

Screening Date 19-Oct-2007

Docket No. 2007-1729-MWD-E

PCW

Respondent City of Streetman

Policy Revision 2 (September 2002)

Case ID No. 34847

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101919991

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	13	65%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 65%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

The Respondent self-reported 13 months of effluent quality violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 65%

Screening Date 19-Oct-2007

Docket No. 2007-1729-MWD-E

PCW

Respondent City of Streetman

Policy Revision 2 (September 2002)

Case ID No. 34847

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101919991

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. 10471001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented by a TCEQ record review conducted on August 29, 2007, and as seen in the attached table.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

A simplified model was used to evaluate 5-Day Biochemical Oxygen Demand to determine whether discharged amounts of pollutants exceeded levels that are protective of human health or the environment. Total Suspended Solids were also evaluated as a result of these discharges. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 3

121 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,000

Three quarterly events are recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$66

Violation Final Penalty Total \$4,650

This violation Final Assessed Penalty (adjusted for limits) \$4,650

**Economic Benefit Worksheet**

Respondent City of Streetman  
Case ID No. 34847  
Reg. Ent. Reference No. RN101919991  
Media Water Quality  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	31-Oct-2006	30-Jun-2007	0.7	\$66	n/a	\$66

Notes for DELAYED costs

Estimated cost for modifying the wasting schedule, increasing the monitoring and maintenance efforts, adjusting the aeration system and chemical treatments, and repaired the pop off valves. Date Required is the initial month of noncompliance. Final Date is the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$66

**Screening Date** 19-Oct-2007**Docket No.** 2007-1729-MWD-E**PCW****Respondent** City of Streetman

Policy Revision 2 (September 2002)

**Case ID No.** 34847

PCW Revision September 19, 2007

**Reg. Ent. Reference No.** RN101919991**Media [Statute]** Water Quality**Enf. Coordinator** Heather Brister**Violation Number** 2**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. 10471001, Sludge Provisions**Violation Description** Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2006 by September 1, 2006, as documented by a record review conducted on August 29, 2007.**Base Penalty** \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

**Percent** 0%

## &gt;&gt; Programmatic Matrix

	Falsification	Major	Moderate	Minor
				x

**Percent** 1%**Matrix Notes**

At least 70% of the rule requirement was met.

**Adjustment** \$9,900

\$100

## Violation Events

**Number of Violation Events** 1413 **Number of violation days**

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

**Violation Base Penalty** \$100

One annual event is recommended.

**Economic Benefit (EB) for this violation****Statutory Limit Test****Estimated EB Amount** \$11**Violation Final Penalty Total** \$155**This violation Final Assessed Penalty (adjusted for limits)** \$155

## Economic Benefit Worksheet

Respondent City of Streetman

Case ID No. 34847

Reg. Ent. Reference No. RN101919991

Media Water Quality

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	1-Sep-2006	25-Oct-2007	1.1	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to submit the annual Sludge Report. Date Required is the date the report was due. Final Date is the date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$11



# Effluent Limit Violation Table

table rev.

Respondent City of Streetman  
ID Number(s) TPDES No. 10471001  
Docket Number 2007-1729-MWD-E  
Enf. Coordinator Heather Brister

Corresponds to Violation Number:

1

EFFLUENT PARAMETER			
	Permit Limit		
	Total Suspended Solids Daily Average Concentration 20 Milligrams per Liter	Total Suspended Solids Single Grab 65 Milligrams per Liter	5-Day Biochemical Oxygen Demand Daily Average Concentration 20 Milligrams per Liter
Month/Year			
Oct-06	27.2	c	c
Feb-07	30	c	c
Mar-07	25	c	c
May-07	39.8	110	21

c = compliant



# Compliance History

Customer/Respondent/Owner-Operator:	CN600513261	City of Streetman	Classification: AVERAGE	Rating: 1.84
Regulated Entity:	RN101919991	CITY OF STREETMAN	Classification: AVERAGE	Site Rating: 0.68
ID Number(s):	WASTEWATER	PERMIT	WQ0010471001	
	WASTEWATER	PERMIT	TPDES0072338	
	WASTEWATER	PERMIT	TX0072338	
	WASTEWATER LICENSING	LICENSE	WQ0010471001	

Rating Date: 9/1/2007  
Repeat Violator: NO

Location: Located west of Farm-to-Market Road 80 and east of the Fort Worth & Denver Railway (FW & DRR) on the north bank of Sloan Creek in Streetman, Freestone County, Texas.

TCEQ Region: REGION 09 - WACO  
Date Compliance History Prepared: October 19, 2007  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: October 19, 2002 to October 19, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Heather Brister Phone: 254-761-3048

## Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |            |          |
|------------|----------|
| 10/21/2002 | (198635) |
| 11/22/2002 | (198638) |
| 12/30/2002 | (198642) |
| 01/24/2003 | (198646) |
| 02/21/2003 | (198613) |
| 03/24/2003 | (198615) |
| 04/22/2003 | (198620) |
| 05/22/2003 | (312524) |
| 05/22/2003 | (312527) |
| 06/20/2003 | (312525) |
| 07/14/2003 | (312526) |
| 09/17/2003 | (312528) |
| 10/16/2003 | (312530) |
| 11/24/2003 | (312531) |
| 12/22/2003 | (312532) |
| 02/17/2004 | (312521) |
| 03/05/2004 | (385760) |
| 03/24/2004 | (312522) |
| 04/22/2004 | (312523) |
| 05/24/2004 | (359093) |

06/23/2004	(359094)
07/22/2004	(359095)
07/26/2004	(359096)
09/22/2004	(359097)
10/18/2004	(359098)
11/16/2004	(385761)
12/20/2004	(385762)
02/07/2005	(423709)
05/09/2005	(423710)
06/06/2005	(423711)
06/23/2005	(423712)
07/22/2005	(444504)
09/02/2005	(444505)
09/19/2005	(444506)
10/17/2005	(475175)
11/10/2005	(475176)
12/15/2005	(475177)
01/06/2006	(475178)
02/16/2006	(475173)
03/10/2006	(475174)
04/10/2006	(502720)
05/11/2006	(502721)
06/12/2006	(502722)
07/14/2006	(525053)
08/04/2006	(525054)
09/08/2006	(525055)
10/23/2006	(549902)
11/20/2006	(549903)
12/20/2006	(549904)
01/11/2007	(584340)
02/12/2007	(584335)
03/12/2007	(584336)
04/09/2007	(584337)
05/21/2007	(584338)
06/22/2007	(584339)
10/08/2007	(574131)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	<b>02/29/2004</b>	(312522)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	<b>11/30/2004</b>	(385762)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	<b>01/31/2005</b>	(423709)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	<b>03/31/2005</b>	(423710)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			

Date:	<b>04/30/2005</b>	(423711)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	<b>05/31/2005</b>	(423712)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	<b>06/30/2005</b>	(444504)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	<b>07/31/2005</b>	(444505)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	<b>09/30/2005</b>	(475175)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	<b>10/31/2006</b>	(549903)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	<b>02/28/2007</b>	(584336)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	<b>03/31/2007</b>	(584337)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	<b>05/31/2007</b>	(584339)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			

F.	Environmental audits.	N/A
G.	Type of environmental management systems (EMSs).	N/A
H.	Voluntary on-site compliance assessment dates.	N/A
I.	Participation in a voluntary pollution reduction program.	N/A
J.	Early compliance.	N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF STREETMAN  
RN101919991**

§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1729-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Streetman ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a domestic wastewater system located west of Farm-to-Market Road 80 and east of Fort Worth & Denver Railway on the north bank of Sloan Creek in Streetman, Freestone County, Texas (the "Facility").
2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about October 10, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Four Thousand Eight Hundred Five Dollars (\$4,805) is assessed by the Commission in settlement of the violations alleged in Section II





("Allegations"). The City has paid One Hundred Sixty-Four Dollars (\$164) of the administrative penalty and Nine Hundred Sixty-One Dollars (\$961) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the City to pay all or part of the deferred penalty.

The remaining amount of Three Thousand Six Hundred Eighty Dollars (\$3,680) of the administrative penalty shall be payable in 23 monthly payments of One Hundred Sixty Dollars (\$160) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the City fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the City to meet the payment schedule of this Agreed Order constitutes the failure by the City to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
  - a. During June 2007, achieved compliance with permitted effluent limits by modifying the wasting schedule, increasing the monitoring and maintenance efforts, adjusting the aeration system and chemical treatments, repaired the pop off valves; and
  - b. On October 25, 2007, submitted the annual sludge report for the monitoring period ending July 31, 2006.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS



As owner and operator of the Facility, the City is alleged to have:

1. Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10471001, Effluent Limitations and Monitoring Requirements No. 1, as documented by a TCEQ record review conducted on August 29, 2007, and as seen in the table below:

<b>EFFLUENT PARAMETER</b>			
	<b>Permit Limit</b>		
	Total Suspended Solids Daily Average Concentration 20 Milligrams per Liter	Total Suspended Solids Single Grab 65 Milligrams per Liter	5-Day Biochemical Oxygen Demand Daily Average Concentration 20 Milligrams per Liter
<b>Month/Year</b>			
Oct-06	27.2	c	c
Feb-07	30	c	c
Mar-07	25	c	c
May-07	39.8	110	21

c = compliant

2. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2006 by September 1, 2006, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 10471001, Sludge Provisions, as documented by a record review conducted on August 29, 2007.

### III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Streetman, Docket No. 2007-1729-MWD-E" to:  
  
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.



3. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
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8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

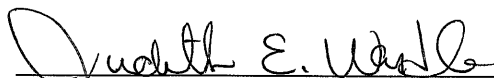
4/6/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

JAN 30 2008  
\_\_\_\_\_  
Date

JUDITH E. WARDLE  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Streetman

MAYOR  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

